

## SECTION 6.10 TYPES OF LEAVE

Last Update: 2/14

Employees may be eligible for leave, with or without pay, with supervisory pre-approval. The following leave types are explained in this section. Unless otherwise specified, information pertains to both contract and non-contract employees. Refer to specific collective bargaining agreements for more information pertaining to leave for contract-covered employees.

Vacation leave	Military leave	Family and medical leave
Sick leave	Educational leave	Donated leave
Holidays	Election leave	Disaster service volunteer leave
Leave without pay	Jury duty/court appearance leave	Examination and interviewing leave
Compensatory leave	Voting leave	Bone Marrow and Organ Donation

### Vacation

- Permanent and probationary full-time employees accrue vacation as follows:

1-4 years of service	–	2 weeks (80 hours) per year
5-11 years of service	–	3 weeks (120 hours) per year
12-19 years of service	–	4 weeks (160 hours) per year
20-24 years of service	–	4.4 weeks (176 hours) per year
25 or more years of service	–	5 weeks (200 hours) per year

Note: Employees must be **paid** for 80 hours in a biweekly time period to accrue at these rates. Otherwise, the accrual rate is prorated.

- Additionally, two unscheduled holidays per year are accrued as vacation. However, AFSCME-covered field staff employees and UE/IUP Social Services unit employees receive four unscheduled holidays per year.
- Part-time employees earn prorated amounts of vacation based on the number of paid hours.
- Temporary and seasonal employees and interns do **not** earn vacation.
- Former employees, who are reinstated at management's discretion, shall accrue vacation at the same rate as at the time they separated from state employment, and the employee's previous vacation anniversary date minus the period of separation shall be restored. Any employee, who is laid off and subsequently returns to state employment within two years following the date of separation, shall have previous continuous service and the period of separation counted toward the vacation accrual rate. Employees who decline recall and employees who are rehired but subsequently terminate are ineligible for prior service credit if later reemployed during that same two-year period.
- An employee who is transferred, promoted, or demoted from one executive branch agency to another will be credited with the vacation accrued.
- Employees may not take vacation in excess of the number of hours accrued.
- Annual leave shall not be used until the pay period after it is accrued. For example, if the pay period starts on the first (1<sup>st</sup>) day of the month and ends on the fourteenth (14<sup>th</sup>) day of the month, the annual leave accrued during that pay period is available for use on the fifteenth (15<sup>th</sup>) day of the month or after.
- Vacation is not accrued and available for use until credited to the employee's leave account.
- Employees who separate from state employment must be paid their accrued vacation in a lump sum with their last paycheck. Vacation will not be granted after the employee's final day of work.
- Employees do not accrue vacation while on leave without pay.
- Employees can accrue up to two times their annual maximum vacation entitlement including unscheduled holidays accrued as vacation. An employee's maximum vacation accrual may be increased by up to 96 hours if the employee elects to convert sick leave to vacation.

- Vacation leave may run concurrently with FMLA leave. Non-contract employees and AFSCME-covered employees are eligible to retain up to two weeks (80 hours) of vacation leave while on FMLA.

### Sick Leave and Personal Leave

- Permanent and probationary full-time employees accrue the following number of sick leave hours each month:

Sick Leave Balance	Monthly Accrual Rate for: • AFSCME • IUP Science Unit • Non-contract	Monthly Accrual Rate for: • IUP Social Services Unit
0 to 750 hours	12 hours	8 hours
Over 750 hours to 1,500 hours	8 hours	6 hours
Over 1,500 hours	4 hours	4 hours

Sick Leave Balance	Monthly Accrual Rate for: • SPOC
0 to 2,000 hours	8 hours
Over 2,000 hours to 2,500 hours	6 hours
Over 2,500 hours	4 hours

- Part-time employees accrue prorated amounts of sick leave based on the number of paid hours.
- Temporary employees (intermittent, emergency, intern, trainee, and seasonal status) do **not** earn sick leave.
- Employees do not accrue sick leave while on leave without pay.
- If an employee not covered by a collective bargaining agreement is laid off and is reemployed by any state agency within one year following the date of layoff, or if an employee was terminated due to an on-the-job injury or illness and is reemployed by any state agency within one year following the date of medical release, the employee's unused accrued sick leave at the time of separation shall be restored.
- Sick leave may be used for medically related disabilities, personal illness, and personal medical and dental appointments.
- Sick leave may also be used for deaths in the immediate family, pallbearer service, care of immediate family members, and adoption as follows:
  1. Non-contract employees: 40-hour maximum per fiscal year, per DAS administrative [rules](#).
  2. UE/IUP Science Unit: 40-hour maximum per fiscal year, per DAS administrative rules.
  3. AFSCME or SPOC: Hour limits and conditions of use differ depending on the contract.
  4. UE/IUP Professional Social-Services-Unit-covered employees who are employed full-time at the beginning of the fiscal year are permitted to use up to 40 hours of paid personal leave each fiscal year, with prior approval of the employer. Full-time employees hired after the start of the fiscal year shall have their personal leave prorated. Paid personal leave is not deducted from sick leave. These employees are credited with 40 hours of personal leave at the start of each fiscal year. Part-time employees shall have their personal leave prorated in accordance with the authorized FTE of their position.
- Employees who move between contracts, or who move from non-contract to contract or vice versa, are eligible, at the time of the move, for the benefits provided under the applicable contract or DAS-HRE rule, based on the position to which they move. Only the personal leave provided for in the UE/IUP Professional Social Services Unit contract is subject to being prorated.
  1. An employee who has used from 0 to 40 hours of "Personal Leave" (UE/IUP Professional Social Services Unit) is entitled to use up to an additional 40 hours of accrued sick leave, for this purpose, when moving to a class covered by AFSCME or SPOC, or to a non-contract class.

2. An employee who has used from 0 to 40 hours of “Other Sick Leave” (family care and attention) who moves to a class covered by the UE/IUP Professional Social Services Unit contract after the start of the fiscal year is entitled to a prorated amount of “Personal Leave” hours. To calculate the prorated amount, multiply the number of pay periods remaining in the fiscal year times 1.54.
- An employee who has accumulated at least 240 hours of sick leave may elect to accrue additional vacation in lieu of the normal sick leave accrual. An employee who has made an election to convert sick leave to vacation will be credited with four hours of vacation for each full month when sick leave is not used during that month. A conversion shall not be made if the accumulated sick leave is less than 240 hours in the pay period in which the conversion would be made. The conversion of sick leave shall be prorated for part-time employees.

## **Holidays**

- Employees who accrue vacation and sick leave are entitled to the following nine (9) fixed holidays:
  1. New Year’s Day – January 1
  2. Dr. Martin Luther King, Jr.’s Birthday – third Monday in January
  3. Memorial Day – last Monday in May
  4. Independence Day – July 4
  5. Labor Day – first Monday in September
  6. Veteran’s Day – November 11
  7. Thanksgiving Day – fourth Thursday in November
  8. Day after Thanksgiving Day – fourth Friday in November
  9. Christmas Day – December 25
- Two additional unscheduled holidays or leave days are accrued as vacation. However, AFSCME-covered field staff employees and UE/IUP Social Services unit employees receive four unscheduled holidays per year.
- The value of a holiday for full time employees shall be eight hours or the number of hours the employee is scheduled to work, whichever is greater.
- Holidays falling during an employee’s vacation or sick leave will not be charged against accrued vacation or sick leave.
- For employees who regularly work a Monday through Friday work week:
  1. If a holiday falls on a Saturday, the previous Friday is considered the holiday.
  2. If a holiday falls on a Sunday, the following Monday is considered the holiday.
- For employees who do not regularly work a Monday through Friday work week, the designated holiday shall be the day it occurs.
- If a holiday falls on a regularly scheduled workday, employees will receive 8 hours of compensation either in cash or compensatory time.
- To be eligible for holiday compensation, an employee must be in pay status the last scheduled workday before and the first scheduled workday after the holiday. An employee who separates from employment and whose last day in pay status precedes a holiday shall not be eligible for payment for that holiday.

## **Leave Without Pay**

- Permanent or probationary employees may request leave without pay. Initial requests and extensions must:
  1. Be in writing.
  2. Clearly state the reason(s) for the leave.
  3. Show beginning and ending dates.

4. Satisfy specific contract provisions.

- Specific provisions regarding leaves of absence for contract-covered employees are found in the applicable collective bargaining agreements.
- Employees in classes covered by the AFSCME and the IUP collective bargaining agreements with one year of seniority must be granted at least a 90-day period of unpaid medical leave if medical verification is submitted. Paid sick leave must be exhausted before unpaid leave is granted.
- Leave without pay may be granted before accrued vacation leave is exhausted, if approved by the appointing authority.
- When an employee returns to work from a leave without pay, it is the responsibility of the supervisor to notify the agency's personnel assistant.
- Employees returning from an approved leave without pay are entitled to a job in the same class or equivalent pay grade. Where none is available, reduction in force rules or collective bargaining provisions apply.
- An employee's pay increase eligibility date will be adjusted for absences of more than 30 calendar days, except for educational leave required by the employer or military leave. Leave without pay taken for an approved FMLA absence will run concurrent with FMLA. If the employee fails to return to work as scheduled from an approved leave without pay, the action will be considered a voluntary resignation. A written statement accepting the resignation must be sent to the personnel assistant for document processing.

#### **Compensatory Leave**

- The use of accrued compensatory leave is granted at the convenience of the employee whenever possible.
- The use of compensatory leave may be required by the employer for non-contract employees (5-day notice), SPOC employees (no notice requirement), or UE/IUP employees (between June 1 and June 30).
- Other conditions regarding compensatory leave for contract-covered employees are found in the "Hours of Work" articles in the respective collective bargaining agreements.

#### **Military Leave – Return rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA)**

A returning veteran who is reemployed, and who meets the USERRA eligibility criteria, is entitled to be treated as if continuously employed. Time limits for returning to work depend on the duration of a person's military service, as follows:

- **Period of 1-30 Days of Service**

After a period of less than 31 days of service, the employee is required to report for work at the start of the first full regularly scheduled work period that begins on the next calendar day following completion of service, after allowance for safe travel home from the military duty location and an 8-hour rest period. If reporting that next day is impossible or unreasonable because of factors beyond the individual's control (like an accident on the return trip), the individual is required to report back to work as soon as reasonably possible thereafter.

- **Period of 31-180 Days of Service**

If the period of service is greater than 30 days but less than 181 days, and the returning employee requests reinstatement to the former position within 14 days of their return, offer reemployment to the individual. The returning employee is entitled to all pay raises, transfers, and other benefits that the employee would have received but for their military service, in accordance with seniority.

If the employee's period of service was less than 91 days, he or she is entitled, upon reemployment, to the position that he or she would have attained if he or she had been continuously employed, so long as the person is qualified for the job or can become qualified with reasonable effort.

- **Period of 181 or More Days of Service**

If the period of service is 181 days or greater, and the returning employee requests reinstatement to the former position within 90 days of their return, offer reemployment to the individual. The returning employee may be reinstated either in the position that he/she would have attained or, alternatively, in another position of like seniority, *status*, and rate of pay. The returning employee is entitled to all pay raises, transfers, and other benefits that the employee would have received but for their military service, in accordance with seniority.

The following steps explain how to process employees returning to the workforce after a period of service of 31 or more days:

1. Employee is released from active duty and requests reinstatement within 14 days (90 days if on active duty for more than 180 days).
2. Arrange date for employee's return to work.
3. Provide employee copies of all transfer opportunities posted during the employee's absence.
4. The employee selects a vacancy posting through which the employee can exercise transfer using the employee's accrued seniority.
5. If a less senior employee was the successful bidder, or a less senior employee was assigned the position, for the posted vacancy, advise that individual of the returning employee's selection.
6. Post the position of the employee returning from military leave and follow the contractual steps required for filling a vacancy.
7. If the displaced employee bids on a subsequent posting, the process ends. If not, continue posting resulting vacancies until either the required contract iterations are complete or the displaced employee is the successful bidder on a position. If the former, the displaced employee is assigned to the clean position vacancy.

## **Education Leave**

- Any non-temporary employee may be granted educational leave to develop skills that will improve their ability to perform state job responsibilities or to provide training and developmental opportunities for employees of a state agency that will enable the agency director to better meet the staffing needs of the agency.
- Education leave:
  1. May be a full or partial absence from the job.
  2. May be with or without pay.
  3. May include education financial assistance.
  4. Must be requested in writing on an Application for Education Leave and/or Education Financial Assistance form, available from the training representative or personnel assistant.
- No initial request for education leave will be approved for more than 12 months. The appointing authority may grant an education leave extension of up to 12 additional months. The use of accrued vacation or compensatory leave in conjunction with a period of education leave is at the discretion of the appointing authority.
- See [11 IAC 63.10](#), Educational leave, and [11 IAC 64.10](#), Education financial assistance.

## **Election Leave**

An employee who is not covered by the federal Hatch Act and becomes a candidate for paid partisan elective office shall:

- Upon written request, be placed in a leave status 30 calendar days before a primary, special, or general election.
- Be allowed to cover an election leave with:
  1. Accrued vacation.
  2. Accrued compensatory leave.

3. Leave without pay.
- If elected, and upon written request, be granted leave to serve in the office for a period of up to six years.

### **Jury Duty/Court Appearance Leave**

- When a non-temporary employee is summoned, subpoenaed, or directed by proper authority to appear as a witness or a jury member in any litigation in which the employee is not a party to the proceedings, the employee must be given time off during scheduled work hours. If the time off is considered regular work time, the employee must give any jury duty pay or witness fees received, other than travel and personal expenses, to the appointing authority. If at least 2 hours (following travel time) are available in the employee's regular workday contiguous to jury duty or a court appearance, the employee must report to work.
- The employee must submit proof of the amount of pay received for jury duty or a court appearance when returning to work.
- If the employee must appear as a witness for the appointing authority, all time spent will be considered work time.

### **Voting Leave**

- Employees must be given time off with pay to vote on a public election day if the employee's regularly scheduled work hours do not allow a continuous three hour period before or after work hours when the voting polls are open.
- Employees must submit voting leave requests to their supervisor prior to the Election Day.
- The appointing authority may designate the time the employee may take off.

### **Family and Medical Leave (FMLA)**

The Family and Medical Leave Act (FMLA) guarantees employees the right to take leave without loss of employment or status (see Chapter 6, [Section 6.90](#), for more information).

### **Donated Leave**

Non-contract employees, as well as employees covered by the UE/IUP, SPOC, or AFSCME collective bargaining agreements are eligible to donate vacation hours or receive donated leave hours (see Chapter 6, Sections [6.85](#) and [6.87](#), for more information). Employees covered by AFSCME are also eligible to donate compensatory leave, holiday compensatory leave, and banked holiday time to any state employee.

### **Disaster Service Volunteer Leave**

- Leave is subject to approval of appointing authority.
- Employee must be a certified disaster service volunteer for the American Red Cross.
- Leave with pay must be for a disaster within the State of Iowa.
- Leave shall be only for 15 workdays in a fiscal year.
- The employee on this leave shall not be deemed to be an employee of the State for purposes of workers' compensation or for purposes of the Iowa Tort Claims Act.

### **Examination and Interviewing Leave**

- May be granted paid leave to attend interviews during scheduled work hours for jobs within their agency.
- Agencies with statewide operations may restrict the case of paid time to interviews within the central office, institution, county, or region.
- A reasonable time limit can be designated by the appointing authority.

- Employees may use vacation, compensatory leave, or leave without pay at the discretion of the appointing authority for interviews not mentioned above.
- Agencies shall inform employees of the provisions of this [rule](#).

#### **Bone Marrow and Organ Donation Leave**

- State employees, excluding those covered under a collective bargaining agreement that provides otherwise, shall be granted leaves of absence for the purpose of bone marrow or organ donation.
- An employee who requests a leave of absence to serve as a bone marrow donor shall be granted a leave of absence of up to five workdays if the employee provides written verification from the employee's physician or the hospital involved with the bone marrow donation that the employee will serve as a bone marrow donor.
- An employee who requests a leave of absence to serve as a vascular organ donor shall be granted a leave of absence of up to thirty workdays if the employee provides written verification from the employee's physician or the hospital involved with the vascular organ donation that the employee will serve as a vascular organ donor.
- An employee who is granted a leave of absence under this section shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance, and health coverage benefits, or earned overtime accumulation. The employee shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.
- An employee deemed to be on leave under this section shall not be deemed to be an employee of the State for purposes of workers' compensation or for purposes of the Iowa Tort Claims Act.